

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Art Unit: To Be Determined
 Robert Ginsburg)
 Application No.: To Be Determined) Examiner: To Be Determined
 Filed: August 19, 2003, Herewith)
 For: Method and Apparatus for Controlling)
 a Patient's Body Temperature by In Situ)
 Blood Temperature Modification)

15535 U.S. PTO
 10/643321
 08/19/03

Transmittal of a Continuation Utility Patent Application

Express Mail mailing label no. EV 330332296 US

Mail Stop Patent Application
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith for filing is the continuation utility patent application for "Method & Apparatus for Controlling a Patient's Body Temperature by In Situ Blood Temperature Modification."

- The applicant(s) hereby request(s) the filing of the continuation patent application under 37 CFR §1.53(b) as a continuation of application Serial No. 10/004,579, filed December 4, 2001, which is a continuation application of United States Patent Application Serial No. 09/522,135 filed on March 9, 2000 and now issued as U.S. Patent No. 6,436,131, which is a continuation of Serial No. 09/131,081 filed August 7, 1998 and now issued as U.S. Patent No. 6,149,676, which is a division of application Serial No. 08/584,013, filed January 8, 1996 and now issued as U.S. Patent No. 5,837,003, which is a continuation of application No. 08/015,774, filed February 10, 1993 and now abandoned. No amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.
- A true copy of the following are enclosed:
 - the prior application as filed, including all 27 pages of specifications (including 22 pages of written description; 4 pages of claims (Claims 1-24), 1 page of Abstract and 11 sheets of formal drawings; and
 - the declaration of inventorship showing the signatures or an indication it was signed.

- Applicant hereby requests that the above-referenced patent application, filed concurrently herewith, **NOT BE PUBLISHED** under 35 U.S.C. §122(b). In making this request, applicants certify that the invention disclosed in the application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at 18 months after filing.
- Please delete the names of the following persons who are not inventors of the invention being claimed in this divisional application:
- Please amend the specification after the granting of a filing date herein by inserting before the first line the sentence: --This is a continuation application Serial No. 10/004,579, filed December 4, 2001, which is a continuation application of United States Patent Application Serial No. 09/522,135 filed on March 9, 2000 and now issued as U.S. Patent No. 6,436,131, which is a continuation of Serial No. 09/131,081 filed August 7, 1998 and now issued as U.S. Patent No. 6,149,676, which is a division of application Serial No. 08/584,013, filed January 8, 1996 and now issued as U.S. Patent No. 5,837,003, which is a continuation of application No. 08/015,774, filed February 10, 1993 and now abandoned.--
- Applicant will file a subsequent preliminary amendment presenting new claims for prosecution.
- Check No. 3142 covering the filing fee in the amount of \$411.00 accompanies this application, calculated as follows:

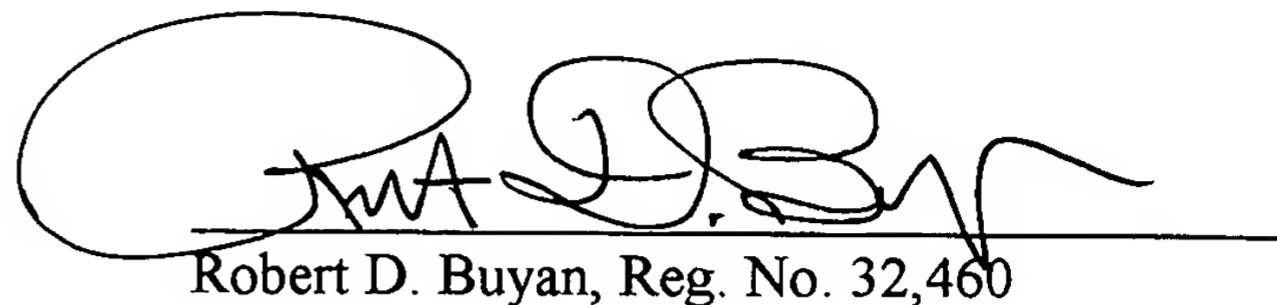
For	(Col. 1) No. Filed	(Col. 2) No. extra	Small entity			Other than a Small entity	
			Rate	Fee	Or	Rate	Fee
Basic fee				\$ 375	Or		\$
Total claims	24 - 20 =	4	x 9	\$ 36	Or	x 18	\$
Indep claims	3 - 3 =	0	x 0	\$	Or	x 78	\$
_ Multiple dependent claims presented		+ 130	\$	Or	+ 260	\$	
			Total	\$411	Or	Total	\$

- An Assignment to Radiant Medical, Inc. was previously recorded in the parent application Serial No.09/131,081 on Reel/Frame 9822/0976-0979.
- A Statement of Ownership and Power of Attorney.
- The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of the filing fees required under 37 CFR § 1.16 and any patent application processing fees required under 37 § CFR 1.17 to Deposit Account No. 50-0878.
- Eleven (11) formal drawings are enclosed.
- The undersigned is the Applicant's attorney of record in the prior application, and all future communications should be addressed to the undersigned at the new address shown herebelow.

- The statement(s) of Small Entity Status filed in the prior application is no longer proper and is hereby withdrawn.
- An information disclosure statement is enclosed.

STOUT, UXA, BUYAN & MULLINS, LLP

Date: August 19, 2003



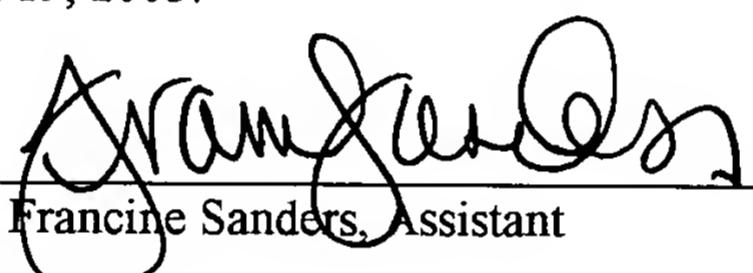
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Facsimile: (949) 450-1764

CERTIFICATE OF MAILING

I hereby certify that this Transmittal letter, the above-identified documents and papers, and a return postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on August 19, 2003 and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 19, 2003.

Dated: August 19, 2003

By: 
Francine Sanders, Assistant

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